

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S. Smeekeens et al.

Attorney Docket No: ARNO114646

Application No: 09/423,575

PCT Application No.: PCT/IB98/00821

Filed: November 9, 1999

Filing Date: May 14, 1998

Title: PLANT GENE CONSTRUCTS AND THEIR USE

TRANSMITTAL OF MISSING PARTS OF PATENT APPLICATION/REQUEST FOR RECORDATION OF ASSIGNMENT/ASSOCIATE POWER OF ATTORNEY

Seattle, Washington 98101

January 21, 2000

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

A. Transmitted Herewith are the Following:

- X 1. An executed Combined Declaration and Power of Attorney in the above-identified U.S. patent application.
- X 2. An executed Associate Power of Attorney in the above-identified national U.S. patent application.
- X 3. An Assignment of the invention to Advanta Seeds B.V. is attached. A Cover Sheet prepared in accordance with 37 C.F.R. § 3.31 is attached to the Assignment. Please record this Assignment in accordance with 37 C.F.R. § 3.11.
- X 4. A copy of Form PCT/DO/EO/905 (Notice to File Missing Requirements Under 35 U.S.C. 371).

B. Additional Fee Charges or Credit for Overpayment:

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.18 which may be required during the entire pendency of the application, or credit any overpayment,

1 to Deposit Account No. 03-1740. This authorization also hereby includes a request for any extensions
2 of time of the appropriate length required upon the filing of any reply during the entire prosecution of
3 this application. A copy of this sheet is enclosed.

4 Respectfully submitted,

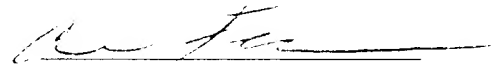
5 CHRISTENSEN O'CONNOR
6 JOHNSON & KINDNESS^{PLLC}

7 

8 Daiva K. Tautvydas
9 Registration No. 36,077
10 Direct Dial No. 206.695.1727

11 I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as
12 first class mail with postage thereon fully prepaid addressed to: Assistant Commissioner for Patents, Washington, D.C.
13 20231, on 1-21-00.

14 Date: 1-21-00



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09/423575



Patent and Trademark
Address: ASSISTANT COMM. CLERK FOR PATENTS
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Washington, D.C. 20231

U.S. APPLICATION NO. 09/423575 FIRST NAMED APPLICANT SNEEKENS ATTY. DOCKET NO. ARN0114646

5611
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INTERNATIONAL APPLICATION NO.

PCT/IB98/00821

I.A. FILING DATE

PRIORITY DATE

05/14/98

05/14/97

DATE MAILED

12/22/99

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed _____ and _____.

☐ Information Disclosure Statement(s) filed _____ and _____.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____.

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☒ Other: 306

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone (703) (703) 305-3531

Barbara Campbell

National Stage Processing